

PROB 12C
(7/93)

United States District Court
for
District of New Jersey
AMENDED

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Frank Babecki

Docket Number: 15-00145-001
PACTS Number: 65128

Name of Current Judicial Officer: THE HONORABLE RENEE M. BUMB
UNITED STATES DISTRICT JUDGE

(The offender was originally sentenced by the Honorable Sol Blatt, Jr., U.S. District Court Judge for the District of South Carolina. Jurisdiction was transferred to D/NJ on 03/23/2015. This petition is intended to amend the original petition filed in D/SC, Dkt. No.: 12CR637-SB-14 on 02/25/2015)

Date of Original Sentence: 12/10/2014

Original Offense: Conspiracy to Possess With Intent to Distribute Oxycodone, in violation of 21 U.S.C. §§ 841 (a)(1)(b) (1) (1) and 846.

Original Sentence: To be imprisoned for a total term of time served (197 days), 36 months supervised release

Special Conditions: The defendant shall satisfactorily participate in a program of testing for substance abuse as approved by the U.S. Probation Office. He shall contribute to the costs of such treatment not to exceed an amount determined reasonable by the U.S. Probation Office's sliding scale for services, and shall cooperate in securing any applicable third-part payment such as insurance or Medicaid. Additionally, he was ordered to pay a \$100 special assessment. DNA testing was also imposed.

Type of Supervision: Supervised Release

Date Supervision Commenced: 12/10/2014

Assistant U.S. Attorney: To be determined, 401 Market St., 4th Floor, Camden, New Jersey 08101, (856) 757-5026

Defense Attorney: Brian Reilly, Federal Defenders Office, 22 South Clinton Ave., Station Plaza #4, 4th Floor, Trenton, New Jersey 08609, (609) 989-2160

PETITIONING THE COURT

- ☐ To issue a warrant
☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1	The offender has violated the standard supervision condition which states ' The defendant shall report to the probation officer in a manner and frequency

directed by the Court or probation officer.'

On January 5, 2015 the offender failed to show for a urinalysis. He also failed to report on January 16, 2015, for urinalysis by 4:00pm.

- 2 The offender has violated the supervision condition which states '**Failure to submit drug test**'

On January 16, 2015, during a home visit, the undersigned officer attempted to collect a urine sample. Despite the offender drinking large amounts of water and the officer waiting for over forty minutes, Babecki could not provide a sample. He was instructed to report to the officer this same day by 2:00 pm. The offender called at 2:41 pm and stated he was running late. He was instructed to report by 4:00 pm and failed to report.

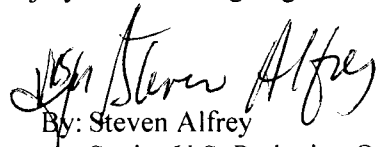
- 3 The offender has violated the standard supervision condition which states '**The defendant shall report to the probation officer in a manner and frequency directed by the Court or probation officer.'**

The offender failed to report to the office as instructed on January 23, 2015. The undersigned officer made attempts to reach the offender by telephone, voicemail and text messaging with instructions to report on February 2, 2015

- 4 The offender has violated the supervision condition which states '**Unlawful substance use**'

The offender submitted a urine sample on March 11, 2015, which proved presumptive positive for opiates using an instant test. The offender submitted a urine sample on March 13, 2015, which proved a presumptive positive for opiates on an instant test and was forwarded to Alere Laboratories on specimen # B03200787, which proved positive for Morphine. The offender submitted a urine sample which tested presumptive positive for opiates using an instant test. He also signed an admission to using Percocet without a prescription. On March 31, 2015, the offender again admitted to using Percocet daily, without a legitimate prescription.

I declare under penalty of perjury that the foregoing is true and correct.



By: Steven Alfrey
Senior U.S. Probation Officer
Date: 04/08/2015

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Franklin Babecki

THE COURT ORDERS:

☐ The Issuance of a Warrant

☒ The Issuance of a Summons. Date of Hearing: May 11, 2015 1:30 p.m.

☐ No Action

☐ Other

Seville Marie Lumb

Signature of Judicial Officer

April 15, 2015

Date